

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA

Roanoke Division

LESPIA J. KING,

Plaintiff,

v.

Civil Action No. 7:05cv00521

GEORGE M. McMILLAN, SHERIFF

Defendant.

Motion to Dismiss

The defendant, the Honorable Octavia L. Johnson (“Sheriff Johnson”), moves the Court to dismiss this case against her for failure to state a claim upon which relief can be granted. F.R.Civ.P. 12(b)(6). She submits the attached brief in support of her motion.

The Honorable Octavia L. Johnson

_____/s/ John A. Gibney, Jr._____
By counsel

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Certificate

I certify that on May 22, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to Terry N. Grimes, Esquire, Terry M. Grimes PC, 320 Elm Avenue SW, Roanoke, VA 24016; and Elizabeth Kay Dillon, Esquire, Guynn Memmer & Dillon PC, P.O. Box 20788, Roanoke, VA 24018.

_____/s/ John A. Gibney, Jr._____
By counsel